

CANAL PLAZA PROJECT

ENVIRONMENTAL ASSESSMENT



Prepared by:
Tectonic Engineering & Surveying
PO Box 37, 70 Pleasant Hill Road
Mountainville, NY 10953

**New York State Homes and Community Renewal
Governor's Office of Storm Recovery**
38-40 State Street
Albany, NY 12207

September 8, 2018

Canal Plaza Project
Environmental Assessment

September 8, 2018

Project Name: Canal Plaza Project

Project Location: 435 State Street, City of Binghamton, Broome County, New York

Federal Agency: U.S. Department of Housing and Urban Development (HUD)


Responsible Entity: New York State Homes and Community Renewal (HCR)
Governor's Office of Storm Recovery (GOSR)

**Responsible Agency's
Certifying Officer:** Lori A. Shirley, Certifying Environmental Officer
38-40 State Street, Hampton Plaza
Albany, New York 12207
(518) 474-0755, Lori.Shirley@nyshcr.org

Project Sponsor: Community Potential Inc.

Primary Contact: Community Potential Inc.
35 Exchange Street
Binghamton, New York 13901
(607) 723-9491, elaine@binghamtonha.org

Project NEPA Classification: 24 CFR 58.36 (Environmental Assessment)

Environmental Finding:	<input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.
	<input type="checkbox"/> Finding of Significant Impact - The project may significantly affect the quality of the human environment.
Certification	The undersigned hereby certifies that New York State Homes and Community Renewal has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended (42 USC Sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.
Signature	 Lori A. Shirley

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CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2018 NYS CDBG-DR project, Canal Plaza Project are:

Project Year

Project Name

Check the applicable classification.

- ☐ Exempt as defined in 24 CFR 58.34 (a).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(b).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statutes and executive orders [i.e., exempt under 58.34(a)(12)].
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statutes and executive orders.
- ☒ "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).
- ☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other", attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.



Signature of Certifying Officer

September 8, 2018

Date

Lori A. Shirley

Print Name

Certifying Environmental Officer

Title

CERTIFICATION OF SEQRA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2018 NYS CDBG-DR project, Canal Plaza Project constitute a:

Project Year

Project Name

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
- ☐ Type II Action (6NYCRR Section 617.5)
- ☒ Unlisted Action (not Type I or Type II Action)

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
- ☐ Draft EIS
- ☐ Final EIS



Signature of Certifying Officer

September 8, 2018

Date

Lori A. Shirley

Print Name

Certifying Environmental Officer

Title

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The Canal Plaza Project (“Project” or “Proposed Project”) will involve the new construction of a 48-unit apartment complex providing affordable housing to an underserved population in Binghamton, New York. The Project will be located at 435 State Street, City of Binghamton, Broome County, New York, 13901. The Project Area is the former location of a 47,644-square foot commercial structure which was demolished in preparation for new construction of this 48-unit apartment complex. Canal Plaza will be located at 435 State Street, City of Binghamton, Broome County, New York 13901 (“Project Area”), at Section 144.82, Block 1, Lot 9 (see Project location maps in **Attachment 1**). The Project will provide affordable housing to an underserved population in Binghamton.

The Proposed Project consists of a single four-story mixed-use building with an approximate area of 65,276 square feet. There are two (2) elevators serving 36 one-bedroom and 12 two-bedroom apartments located on floors two, three, and four. Each residential floor will have a common laundry room, and a community room for use by the residents; each apartment will have a balcony. Additional complex amenities include a playground, sitting area, and garden.

Commercial natural gas, electric and cable television are on-site, as is municipal water and sanitary sewer. Residential tenants will pay for their own electric and will get a utility allowance. Heat and hot water are included in the rent. The residential and commercial spaces will have separate systems for metered utilities.

The proposed building is mixed use, with a Community Service Facility (CSF) tenant(s) on the first floor and multi-family residential units on floors two through four. This building design is in compliance with the City of Binghamton commercial zoning code, which does not permit residential use for the first floor of buildings. Twelve housing units are being set aside for persons diagnosed with serious mental illness, who will receive supportive services and project based rental assistance by the Catholic Charities Supportive Scattered Site Housing program funded by the New York State Office of Mental Health. The remaining 36 housing units are non-special needs. Of the 48 housing units, 12 units are targeted for persons at or below 30% Area Median Income (AMI), 12 are targeted for persons at or below 50% AMI, and 24 are targeted for persons at or below 60% AMI.

The CSF area consists of two rentable spaces totaling 14,515 square feet, with unit “A” being approximately 5,083 square feet and unit “B” being approximately 9,432 square feet. These spaces can be rented separately or combined; each unit will have its own utility meter. Access for employees and the public is directly off the parking area and there will be no access to the CSF units through the residential portion of the building except for tenants of the building that may be accessing services. There is an additional 1,340 square feet of mechanical, lobby and stairway space on the first floor.

A surface parking lot will have 122 parking spaces, of which 48 spaces will be utilized for tenant use only. The remaining spaces will be for use by the CSF tenant(s) and visitors. The site has been designed so that there is an impervious surface coverage reduction of 25.4% for the Proposed Project when compared to existing site conditions. Decrease in impervious areas allow for more opportunities for storm water infiltration on the site. The magnitude of the impervious coverage reduction provides relief for the city storm water system and is consistent with Green Building practices. It is also a long-term goal identified in the City of Binghamton’s Comprehensive Plan, *Blueprint Binghamton: Forward Together*, which seeks to “reduce effects of small scale and flash flooding through green infrastructure.”

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

This Project responds to a significant need for quality affordable housing in the Greater Binghamton Area, which has significantly increased in recent years due to the loss of housing due to the effects of Hurricane Irene in 2006 and Tropical Storm Lee in 2011, and to an aging and deteriorated housing stock that has not kept up with the demand for quality and affordability.

This is a community renewal project which has received the support of the Southern Tier Regional Economic Development Corp. and is part of a neighborhood specific revitalization plan. The public purpose served is to eliminate a blighted property. The North Side of Binghamton has experienced significant disinvestment over the course of several decades and the immediate neighborhood has suffered economically.

The site is in the EN-Zone and Governor's North Chenango River Brownfield Opportunity Area. NYS DEC has approved the site for admittance to the Brownfield Cleanup Program. By eliminating neighborhood blight, it will improve development opportunities for surrounding properties. The community service component addresses an unmet community need and the services to be offered will benefit the tenants and predominately low-income population that live in the neighborhood. The location is part of a walkable community, on a regularly scheduled bus route, with existing utility infrastructure.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The site is in the northern portion of the City of Binghamton on the west side of State Street. Adjacent land use is primarily office and retail commercial uses, with some multifamily housing adjacent to the east, and nearby to the northeast. Binghamton is the market center for the central portion of the Southern Tier. RESTORE NY and city of Binghamton funded the demolition of a vacant commercial structure approximately 47,644 square feet in size in preparation for this Project.

The Proposed Project is strategically located at one end of the downtown corridor, in an area of the City that is poised for revitalization and is a potential catalyst for redevelopment. After two to three decades of disinvestment, the North Side of Binghamton is seeing signs of a resurgence. As the only area in the City with available land for development, the area is beginning to attract the attention of developers for a variety of uses, both commercial and community service oriented. Downtown Binghamton has seen a resurgence in recent years, limiting new opportunities in the heart of the downtown area and forcing development outside the core downtown area. There are currently seven (7) new development and area improvements taking place within a half-mile radius of the Project Area. It is hoped that this Project, combined with the other new development and area improvements in the surrounding area, will help introduce other needed development in the area, as the Project design allowed for the possibility for a neighborhood grocery store to be located near the affordable housing development.

Part of the Project Area is listed in the New York State's Brownfield Cleanup Program as the Former Stow Manufacturing site (Site No. C704058); this facility was associated with industrial manufacturing between the late 1800s and at least 1971. A Brownfield Cleanup Agreement (BCA) was issued by the New York State Division of Environmental Remediation to the Brownfield Applicant, Community Potential, Inc. (the "Applicant"), on April 18, 2017. The Applicant is classified as a Volunteer, meaning that while the Applicant is not responsible for the contamination on site, the Applicant is willing to remediate the site for future re-use. A Remedial Investigation Work Plan has been drafted by the environmental consultant, LaBella Associates, D.P.C. (LaBella), and was approved by the New York State Department of Conservation; the Remedial Investigation is currently ongoing in accordance with the BCA. LaBella has indicated the Remedial Investigation will be completed by the end of September 2018. It should be noted that the existing design plans may need to be revised pending the results of the Remedial Investigation, but significant changes to the Proposed Project are not anticipated. If further environmental review is required due changes to the Project scope, this Environmental Assessment will be updated accordingly.

The Applicant is required by this EA to complete the Voluntary Brownfield Program to the satisfaction of the New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH). In accordance with the completed BCA, the site will be remediated to restricted residential-use standards as defined by 6 NYCRR Part 375-1.8(g)(2)(ii). The restricted

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residential-use category allows a site to be used for residential use but only when there is common ownership or control by a single owner/ managing entity of the site. Restricted residential use is the land use category intended for apartments, condominium, cooperative or other multi-family/ common property control residential development. LaBella has submitted an Interim Site Management Plan (ISMP) to manage impacts that may be encountered during development of the site. Redevelopment of the site is proposed to begin in October 2018; redevelopment of blighted sites is a primary goal of the NYSDEC's Brownfield Cleanup Program.

Standard Conditions for All Projects

Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

Funding Information

Estimated Total HUD Funded Amount:	\$1,200,000.00
CDBG-DR	\$1,200,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$20,509,590.00

Compliance with 24 CFR 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on guidance provided by HUD via Fact Sheet #D1 ¹ , the National Plan of Integrated Airport Systems (NPIAS) was reviewed for civilian, commercial service and military airports located near the site. An Airport Hazards map showing the Project Area, airport locations, heliport locations, and their associated buffers is included in Attachment 3 . There are no civilian, commercial service airports located within 2,500 feet of the Proposed Project Area. There are no military airports located within 15 miles of the Project Area. No additional review is required.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the USFWS Coastal Barrier Resources System Map ² included in Attachment 3 , the Project is not located in, or within 150 feet of, a Coastal Barrier Resource System Unit or Otherwise Protected Area.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the Effective Federal Emergency Management Agency ³ (FEMA) Flood Insurance Rate Maps (FIRMs) from 1977 and Preliminary FEMA FIRM from 2010 included in <i>Appendix I</i> of Attachment 4 , the Project is not located within a Special Flood Hazard Area (SFHA) Zone. Flood insurance is not required for the Project.

¹ Fact Sheet #D1: Siting HUD-Assisted Projects in Accident Potential Zones.

https://www.michigan.gov/documents/mshda/mshda_cd_nsp2_air_accident_315724_7.pdf

² USFWS Coastal Barrier Resources. <https://www.fws.gov/ecological-services/habitat-conservation/cbra/Maps/index.html>

³ FEMA Flood Map Service Center. <https://msc.fema.gov/portal>

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The Proposed Project is located in Broome County, which is listed as a current attainment area⁴ for particulate matter (PM_{2.5} or PM₁₀), carbon monoxide, and ozone. Therefore, a conformity and screening analysis was not performed according to the requirements of 40 CFR 93, Subpart B (federal general conformity regulations).</p> <p>The Proposed Project would not generate significant levels of vehicular traffic as the potential residents of this facility are anticipated to come from the City of Binghamton; therefore, no exceedances of the National Ambient Air Quality Standard (NAAQS) associated with carbon monoxide (CO) or particulate matter (PM) is anticipated occur. The Proposed Project will not result in siting any new source of air pollutants. The Proposed Project will not adversely affect the State Implementation Plan (SIP). Any air quality impacts would be short-term and localized during construction and, therefore, no significant adverse impacts to air quality are anticipated.</p> <p>However, it is recommended that construction activities are conducted in such a way as to ensure acceptable air quality during these activities (e.g., through minimization of volatile organic compounds and nitrogen oxides emissions, mindful operation of gas-powered construction equipment to avoid prolonged idling, or fugitive dust management during construction). It is also recommended that low-VOC materials and inventory and energy star efficient equipment are used, as practicable.</p>
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Based on the USFWS CBRS Map, the Project Area is not located in or immediately adjacent (within 150 feet) to a Coastal Barrier Resource System Unit or Otherwise Protected Area, as documented in Attachment 5 .

⁴ EPA, *Nonattainment Areas for Criteria Pollutants*. <https://www.epa.gov/green-book>
EPA, *Recent Updates: Federal Register Notices Published or Effective After September 22, 2016*
<http://www.epa.gov/airquality/greenbook/adden.html>

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<p>Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)</p>		<p>Based on the New York State Department of State (NYSDOS), the Project is not located within a Coastal Area, though it is located within a Local Waterfront Revitalization Program Area, as documented in Attachment 5.</p> <p>On July 26, 2018, a New York State Federal Consistency Assessment was completed and submitted to the NYSDOS Division of Coastal Resources for the Proposed Project to determine its consistency with the New York State's Coastal Management Plan. On August 10, 2018, the NYSDOS reviewed the Project information and determined the Project would not be undertaken in the State's designated coastal area and is not likely to affect land and water uses and natural resources within the State's coastal area, and thus it was not necessary for the Department of State to review this Project pursuant to the consistency provisions of the federal Coastal Zone Management Act and the New York State Coastal Management Program. This consultation is documented in Attachment 5.</p>
<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p><u>Project Area Records Review</u></p> <p>The Proposed Project activities are located at 435 State Street, Binghamton, New York. This property will be referred to as the "site" or "Project Area" within this report. The project will occur on currently undeveloped land. The project involves the construction of a new 48-unit apartment complex providing affordable housing to an underserved population in Binghamton, New York. The Project Area is the former location of a 47,644-square foot commercial structure which was demolished in preparation for new construction of this 48-unit apartment complex. The 435 State Street property has one (1) Phase I Environmental Site Assessment (ESA) report from November 22, 2017 and one (1) Remedial Investigation Work Plan from May 29, 2018 associated with the property that have been provided for review. See Attachment 6. The project area is currently undergoing a Remedial Investigation that will be completed by late September 2018</p>

<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>Previous Environmental Records: Per the New York State Department of Conservation (NYSDEC), the western half of the Project Area is the location of the former Stow Manufacturing facility, which has been included as part of the Brownfield Cleanup Program, Site Number C704058, as noted by the Brownfield Cleanup Agreement issued by the New York State Division of Environmental Remediation to the Brownfield Applicant, Community Potential, Inc., on April 18, 2017. The Former Stow Manufacturing site noted that previous environmental investigations discovered fill materials consisting of construction and demolition debris, metal exceedances, and nuisance petroleum impacts. Additionally, a former wastewater lagoon was located on the northeastern portion of the brownfield site.</p> <p>A Remedial Investigation Work Plan was completed on May 29, 2018 for the Former Stow Manufacturing site. The purpose of the Remedial Investigation Work Plan is to identify a proposed method for delineating the nature and extent of the contamination at the Brownfield site. The previous environmental investigations discovered metals, semi-volatile organic compounds, and volatile organic chemicals that exceeded NYSDEC's Unrestricted Use SCOs and Restricted Residential Use SCOs, and NYSDEC Part 703 Groundwater Quality Standards. As part of the previous environmental investigations, the groundwater flow direction was inferred utilizing groundwater measurements from groundwater wells on site; groundwater on the site was noted to be primarily traveling to the Chenango River, northwest of the site.</p> <p>Before construction begins, Community Potential, Inc. (the "Applicant") has confirmed that remediation/ mitigation actions will be performed as part of the Brownfield Cleanup Program, associated with the areas of concern discovered during the previous site investigations. The NYSDEC Division of Environmental Remediation confirmed in an email dated August 31, 2018, included as part of the <i>Previous Environmental Reports</i> section</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>of Attachment 6, that, in accordance with Brownfield Cleanup Agreement C704058-02-17, the site will be remediated to restricted residential use standards as defined by 6 NYCRR Part 375-1.8(g)(2)(ii). The restricted residential use category allows a site to be used for residential use but only when there is common ownership or control by a single owner/ managing entity of the site. Restricted residential use is the land use category intended for apartments, condominium, cooperative or other multi-family/common property control residential development. LaBella Associates, D.P.C., the environmental consultant, has submitted an Interim Site Management Plan to manage impacts that may be encountered during development of the site. Remediation and redevelopment of the site is proposed to begin in October 2018 and is a primary goal of the NYSDEC's Brownfield Cleanup Program.</p> <p>These Brownfield Cleanup Program activities will be performed under the supervision and guidance of the NYSDEC and NYSDOH. Upon completion of cleanup activities, and when the NYSDEC is satisfied that the cleanup requirements have been, or will be, achieved for the site, the final engineering report will be approved and a Certificate of Completion will be issued to the Applicant. Upon receiving this Certificate of Completion, the Applicant will then be eligible to redevelop the site. If contamination is to remain in place, site management in the form of institutional controls or engineering controls will be put into place in order to ensure safe reuse of property, as deemed appropriate by the NYSDEC. These controls are required to ensure the remedy implemented for the site remains protective of public health and the environment. All significant site management activities would be detailed in a Site Management Plan.</p> <p>Asbestos Containing Material & Lead Based Paint: While the Project Area is currently vacant, it has been previously improved with structures dating back to the late 1800s. As such, it is possible that asbestos containing material (ACM) and lead based paint (LBP) may remain</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>in buried materials or within the area of the former structures from the time of demolition. The contractor must comply with all procedures outlined in NYS Department of Labor regulations at 12 NYCRR Part 56, including all amendments; provide a statement that ACM maybe be buried at the site; utilize fugitive dust control measures during construction and excavation; properly dispose of all discovered ACM debris according to NYSDEC rules by utilizing certified entities to transport and dispose of ACM.</p> <p>Due to the potential for LBP in the area of the former building and former manufacturing facility, the contractor will comply with the procedures outlined in HUD's <i>Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing</i>. As part of the RI work, soil at the site will be tested for lead to determine if concentrations will meet the restricted residential use soil cleanup objectives as defined in 6 NYCRR Part 375-6.8(b). All exposed surface soil at the site that exceeds the restricted residential soil cleanup objectives for the protection of human health shall have a soil cover of two feet in accordance with NYSDEC Department of Environmental Remediation (DER)-10 Technical Guidance for Site Investigation and Remediation Section 4.1 (f)(2)(i) or be covered with impervious materials such as asphalt and concrete. Soil identified as hazardous waste for lead as part of the RI will be remediated in accordance with NYSDEC requirements.</p> <p>NYSDEC Records: The Project Area is not located within 3,000 feet of a toxic or solid waste landfill site. The Project Area is not listed on the NYSDEC Bulk Storage Database. The Project Area is listed in the NYSDEC Spill Incidents Database, with three (3) closed spills reported for the Project Area. A spill closure means that the records and the data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial actions are necessary or the case was closed for administrative reasons (e.g. multiple reports of</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>a single spill consolidated into a single spill number).</p> <p>The Project Area is listed in the NYSDEC Environmental Remediation database as a Brownfield Cleanup Program site, the Former Stow Manufacturing facility. The Project Area will be remediated under the auspices of the NYSDEC and NYDOH, as detailed under the <i>Previous Environmental Records</i> section.</p> <p>A review of the NYSDEC Spills and Bulk Storage databases provided no indication of past uses of the Project Area that could adversely affect the occupants of the Project Area or conflict with the intended utilization of the Project Area.</p> <p>EPA Records: The Project Area is not listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list or EPA Resource Conservation and Recovery (RCRA) database.</p> <p><u>Surrounding Properties Records Review</u> NYSDEC Records: A search of the NYSDEC Spill Incidents Database resulted in the identification of 39 closed spills located within 1,000 feet of the Project Area. A spill closure means that the records and the data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial actions are necessary or the case was closed for administrative reasons (e.g. multiple reports of a single spill consolidated into a single spill number). As such, these spills are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p>According to the NYSDEC Environmental Site Remediation and Bulk Storage Databases, there are 54 Petroleum and Chemical Bulk Storage sites within 3,000 feet of the Project Area. Of these 54 Bulk Storage sites, 50 of the sites are located over 1,000 feet cross- or down-gradient from the Project Area, or across a hydraulic barrier in the form of Chenango River and the Susquehanna River. Additionally, any active</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>tanks on-site are permitted and regulated by NYSDEC which requires leak detection, containment and monitoring. As such, these sites are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p>The remaining four (4) sites are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area as these four (4) sites have no reported spills, no active storage tanks on site or have active tanks with protection in place against leaks and spills, and are required to follow NYSDEC requirements for permitted and regulated tanks. These four (4) sites are reviewed in detail in the <i>HUD Environmental Standards Review</i> included as Appendix 6.</p> <p>According to the NYSDEC Environmental Site Remediation and Bulk Storage Databases, there are four (4) environmental remediation sites within 3,000 feet of the Project Area. These four (4) sites are briefly discussed below and are reviewed in detail in the <i>HUD Environmental Standards Review</i> included as Appendix 6.</p> <p>Anitec Image Corporation is a New York State Superfund Program site with multiple locations. Remedial activities at these locations have been completed, with a Record of Decision having been issued for each; no further action is required for this site. As such, this site is not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p>Binghamton Plaza is a Brownfield Cleanup Program facility located approximately 220 feet north and down-gradient of the Project Area. Remediation at this site has been completed, and an environmental easement is in place for the site; this site is not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>Frederick Street is a Brownfield Cleanup Program facility located approximately 2,140 feet northeast and cross- or down-gradient of the Project Area. A portion of this area was originally a marsh, or a low, wet area that was filled in around the early 1900s, with the Brandywine Creek having once flowed through the area prior being diverted as the area developed. The effects of this development and historic fill may have altered the direction of groundwater flow, and no investigation has been performed to determine the groundwater flow on site. The majority of the site has been covered by structures or asphalt, preventing exposure to any potentially contaminated soil and the surrounding area is serviced by a public water supply that would not be affected by site-related contamination. Thus while this site has not been characterized, it is not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p>NYSEG Binghamton Court St MGP is a New York State Superfund Program facility located approximately 2,385 feet southeast and down-gradient of the Project Area adjacent to the Susquehanna River. This site is fenced, with a cover of clean gravel across the site, and the surrounding area is serviced by a public water supply that is not affected by site-related contamination. As such, this site is not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p>EPA Records: According to the EPA's Enforcement and Compliance History Online (ECHO) search, there are eight (8) EPA-permitted water discharger (NPDES) sites, 69 hazardous waste (RCRA) sites, five (5) air emissions (CAA) sites, one (1) Brownfield (ACRES) site, and 10 Toxic Release Inventory facility located within 3,000 feet of the Project Area. Of these facilities, all but 13 facilities had no reported violations, releases, or confirmed contamination. Facilities with no violations are not considered a hazard as the facilities are in</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>compliance with permit conditions that are enforced and meet standards that protect public health and the environment by preventing releases to the environment. As such, these facilities are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area. The remaining 13 facilities are briefly discussed below.</p> <p>375 State Street is a Brownfields Program site located approximately 700 feet southwest and down-gradient of the Project Area. A Phase I ESA has been performed at this site, though no information has been provided associated with if cleanup is required at this site. This site is located down-gradient from the Project Area and is covered with asphalt or structures to prevent access to any potentially contaminated soil. As such, this site is not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p>Ten (10) of the identified sites are facilities included on the Toxic Release Inventory (TRI). A “release” of a chemical means that it was emitted to the air or water, or was placed in some type of land disposal, including material transfers to waste management facilities and recycling facilities. Of these 10 facilities, three (3) are listed in the TRI database but have no reported releases to the environment; seven (7) facilities have reported historic releases of material. The EPA considers 0.6 tons per year as the threshold of being a “significant emission rate” with federal air permits. None of the facilities identified during the course of this review were found to exceed releases above 0.6 tons per year; therefore, all reported emissions and releases are considered insignificant at these permitted facilities. While these facilities involve past releases of materials, the Project Area is participating in the Brownfield Cleanup Program, which includes a detailed site investigation and remediation program for the Project Area. Any potential contamination associated with these facilities will be included in the site remediation under the auspices of the NYSDEC and NYSDOH as part of the</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>Brownfield Cleanup Program. As such, these facilities are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p>Binghamton Facility, located approximately 2,300 feet southeast and down-gradient from the Project Area, has a minor NPDES permit they were in non-compliance of during one quarter due to permit schedule violations that were achieved late but still reported. The remaining facility, the United States Postal Service, is located approximately 1,800 feet south and down-gradient of the Project Area. This facility has an expired minor NPDES and an active small quantity generator RCRA permit; this facility is in violation of the NPDES permit due to status/ progress reports not being reported. Due to the nature of these violations and the distance and down-gradient location of these facilities, these facilities are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area.</p> <p><u>Conclusion</u> Based on a review of the available environmental reports for the Project Area and surrounding area, the Project Area is unlikely to contain radioactive substances which would constitute a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project Area. The 2018 Remedial Investigation Work Plan indicated that elevated concentrations of VOCs, SVOCs, and metals exceeded the regulatory guidance values in the Project Area, and the western portion of the Project Area is a voluntary participant in the Brownfield Cleanup Program. <i>Due to the results of the previous environmental reports, remediation/ mitigation measures should be undertaken in order for the Project to comply with 24 CFR Part 50.3(i) and 58.5(i)(2). Proof of compliance in the form of engineering controls or “No Further Action” letters from the appropriate state department or agency will be required.</i> It should be noted that the developer has remediation plans in place and will be consulting with, and operating under the</p>
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<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>		<p>auspices of, the New York State Department of Environmental Conservation and New York State Department of Health in order to meet compliance with these remediation activities as part of the Brownfield Cleanup Program. Maps, environmental reports and letters, NYSDEC Reports, and EPA Reports are included in Attachment 6.</p> <p>Mold The Proposed Project does not involve rehabilitation of existing structures. Therefore, no mold assessment was conducted at the Project Area. If the building materials or areas of the newly constructed building become contaminated with mold, all mold contamination must be properly removed. A certified industrial hygienist would provide verification of site clearance and submit a clearance report before occupation by residents.</p> <p>Radon According to the EPA Map of Radon Zones, the Project Area is in a Radon Zone 1, where the predicted average indoor radon screening levels greater than 4 picoCuries per liter (pCi/L), a high potential for elevated indoor radon levels. Accordingly, a passive soil depressurization system will be incorporated into the building design and radon testing will be occurring prior to occupancy. A third-party air-monitoring contractor must complete the final testing/ clearance with certified results by an authorized testing laboratory. If radon testing indicates that the radon level exceeds the EPA action level, an active fan, complete with alarm system, will be installed and, prior to occupancy, the building will be retested to determine that radon levels are being maintained below recommended limits.</p>
<p>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to information reviewed from the NYSDEC Environmental Resource Mapper, the Project is located within NYSDEC's designated rare, threatened or endangered species generalized review area. A NYNHP records request response dated August 13, 2018 indicated that the NYNHP has no records of rare or state-listed animals or plants, or</p>

<p>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>		<p>significant natural communities at the Project Area, though rare freshwater mussels have been documented approximately 250 feet away at the Chenango River. The NYSDEC noted that if the project is conducted so as to avoid impacts to the Chenango River and the aquatic habitat of the mussels, including preventing runoff of sediments and pollutants into the river, then significant impacts to the mussels would not be expected. The NYSDEC Environmental Resource Map and NYNHP response is included in Attachment 7.</p> <p>The Project landscape plantings will not include prohibited and regulated invasive species identified by the NYSDEC, as documented in the Invasive Species Compliance letter dated July 30, 2018, as included in Attachment 7.</p> <p>Consultation with the NYSDEC regarding the potential bald eagles within the Project Area on August 3, 2018 indicated that the project activities will have “No Effect” on the Bald Eagles nests located in the area. Due to the distance of the bald eagle nest from the Project Area, no adverse impacts to breeding bald eagles are expected as a result of the project.</p> <p>The United States Fish and Wildlife Service (USFWS) lists the following species as having the potential to occur within the vicinity of the Proposed Project:</p> <p><u>Threatened</u> Northern Land-eared Bat (<i>Myotis septentrionalis</i>)</p> <p>After a review of the Proposed Project in relation to the aforementioned species’ breeding, foraging, and habitat requirements, it was concluded that the Proposed Project would have no effect on the above species. The Project is located in a highly-developed area, with no contiguous forested/ wooded habitat located in the vicinity of the Project Area and no trees will be removed as part of the Project. Additionally, there are no records of rare or state-listed animals or plants, or significant natural communities in the vicinity of the</p>
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<p>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>		<p>Project Area. As such, the proposed action would have No Effect on the above species.</p> <p>The IPaC Resource List indicated that there are migratory birds protected under the Migratory Bird Treaty Act and/or the Bald and Golden Eagle Protection Act that could potentially be affected by the project. Any transient migratory birds that may be found within the Project Area would temporarily leave the area during construction. GOSR has determined that the project activities will have “No Effect” on migratory birds. There are no known breeding bald eagles within the vicinity of the Project Area; therefore, no adverse impacts to breeding bald eagles are expected as a result of the project.</p> <p>On August 15, 2018, a “no effect” determination was sent to the USFWS. A USFWS response was received on August 21, 2018, acknowledging the receipt of the “no effect” determination and noting that no further ESA coordination or consultation is required. The USFWS “no effect” determination and response is included as part of Attachment 7.</p> <p>This Project will not affect water nor species under the jurisdiction of the National Marine Fisheries Service (NMFS).</p>
<p>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No ASTs were noted as existing or proposed at the Project Area, according to the previous Phase I ESAs and/or the Recipient.</p> <p>In accordance with 24 CFR Part 51, Subpart C and the <i>Acceptable Separation Distance Guidebook</i>, a Thermal Explosive Hazards Survey was performed on August 13, 2018. No thermal explosive hazards were found within 1,000 feet of the Project Area for tanks exceeding 100 gallons in size and no thermal explosive hazards were found within one (1) mile of the Project Area for tanks exceeding 20,000 gallons in size.</p> <p>A combination of desktop records review and field survey of the area was utilized to determine potential thermal explosive hazards; these hazards could include outside storage of</p>

<p>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</p>		<p>toxic, hazardous or flammable materials in containers of greater than 100 gallons in size. A records search with the NYSDEC Bulk Storage Database for aboveground storage tanks (ASTs) was performed for 1,000 feet for tanks of 100 gallons in size or greater and at one (1) mile for ASTs of 20,000 gallons in size or greater. A field survey was conducted that involved visibly assessing the exterior of properties from within public spaces (i.e. roads and/or sidewalks) for ASTs that exceed 100 gallons or 20,000 gallons at their respective radii. These two reviews noted the following:</p> <ul style="list-style-type: none"> • No tanks exceeding 100 gallons were identified within 1,000 feet of the Project Area. • No tanks exceeding 20,000 gallons in size were identified within one (1) mile of the Project Area. <p>The Thermal Explosive Hazards letter is included as part of the <i>HUD Environmental Review</i> in Attachment 6.</p> <p>As a result of the survey and analysis performed, it was determined that there are no thermal explosive hazards within 1,000 feet of the Project Area.</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Not applicable. The Project Sites are not located within an Agricultural District as identified by New York State and the University of Cornell in Attachment 8.</p> <p>U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) maps provide information on soils types and properties that influence development of sites. According to the USDA NRCS soils map data for Soil Classification, the Proposed Project Area contains “Cut and fill lands, silty material”. The Project Area is considered “not prime farmland” (Attachment 8). This project activities will not involve the conversion of farmland to non-agricultural use. Therefore, the Proposed Project would not violate the Farmland Protection Policy Act, and no further review is required.</p>

Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable. The Project activities are not located within the 100-year floodplain (Attachment 4). NFIP insurance is not required.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>On October 21, 2016, the New York State Historic Preservation Office (SHPO) reviewed the Proposed Project and that no historic properties will be affected by this undertaking (see Attachment 9).</p> <p>Additionally, as the construction work solely involves work in previously disturbed soils on a previously developed site, there is no adverse effect on tribal resources, and no consultation with the applicable Tribal Historic Preservation Officers is required.</p> <p>In the event any unanticipated discoveries of human remains and/or cultural resources including, but not limited to, funerary objects, sacred objects, and objects of cultural patrimony are made during execution of the Proposed Project, work shall be halted immediately and the SHPO and the applicable THPOs shall be consulted before work resumes.</p>
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The Noise Control Act of 1972 and its implementing regulation in Title 24 CFR Part 51 Subpart B outline procedures for determining project acceptability and necessary mitigation measures to ensure activities assisted by HUD achieve the goal of a suitable living environment (24 CFR 51.1). HUD assistance for the construction of new noise sensitive uses is discouraged for projects with normally unacceptable noise exposure (24 CFR 51.101(a)(3)). (See <i>Standards of Acceptability</i> contained in § 51.103(c).)</p> <p>For interior noise goals, “it is a HUD goal that the interior auditory environment shall not exceed a day-night average sound level of 45 decibels. Attenuation measures to meet these interior goals shall be employed where feasible. Emphasis shall be given to noise sensitive interior spaces such as bedrooms”⁵ (24 CFR</p>

⁵ The HUD Noise Assessment Guidebook <https://www.hudexchange.info/resource/313/hud-noise-guidebook/>

<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>		<p>51.101(a)(9)). In addition, “HUD shall require the use of building design and acoustical treatment to afford acoustical privacy in multifamily buildings pursuant to requirements of the Minimum Property Standards” (24 CFR 51.101(a)(10)). Moreover, “HUD shall encourage the use of quieter construction equipment and methods in population centers, the use of quieter equipment and appliances in buildings, and the use of appropriate noise abatement techniques in the design of residential structures with potential noise problems” (24 CFR 51.101(a)(7)).</p> <p><u>Noise Source DNL at Project Area:</u> Airport: <u><55.0 decibels (dB)</u> Railroad: <u>59.50 dB</u></p> <p><u>Combined DNL at the Project Area: 59.50 dB</u></p> <p>This value is within “acceptable” noise level as it does not exceed 65 dB. Thus, noise mitigation is not required as while noise exposure may be of some concern, normal building constructions will make the indoor environment acceptable and the outdoor environment will be reasonably pleasant for recreation and play.</p> <p>Construction activities have the potential to expose sensitive receptors to noise emissions that are normally unacceptable. To minimize this impact, construction activities will be limited to daylight hours during the work week when most of the residents are at school or at work. The construction activities from the Proposed Project would not create significant impacts to sensitive noise receptors adjacent to the Proposed Project Area as the construction activities are limited to 8 AM to 8 PM on Monday through Friday per City Code⁶. Construction activities would not occur in the late evenings and early mornings or on weekends and holidays. Noise impacts should be minor if these timing restrictions are implemented.</p>
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⁶ City of Binghamton Noise Control Ordinance. <http://www.binghamton-ny.gov/ordinance/noise>

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<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>		<p>This project proposes residential development that will not significantly increase long-term noise levels. A Project Noise Screening Analysis and HUD's Sound Transmission Class Guidance are provided in Attachment 10.</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Project Area is located above the Clinton Street-Ballpark Valley Sole Source Aquifer. The project activities were reviewed according to the initial screen criteria form, and public wells were identified within ½ mile of the Project Area. Therefore, a sole source aquifer review and consultation was requested with the EPA. A Sole Source Aquifer Analysis consultation was completed by GOSR on July 30, 2018. A response from EPA dated August 17, 2018 determined that, provided the project meets the Brownfields Program requirements from the NYSDEC and NYSDOH, the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act and the project would not pose a significant threat to public health or groundwater resources. Sole Source Aquifer documentation are included as part of Attachment 11.</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Not applicable. Based on the USFWS National Wetlands Inventory maps, the NYSDEC Wetlands Map, and the NYSDEC Tidal Wetlands Map, the Project Area is not located in or adjacent to mapped wetlands or the associated 100 foot or 300 foot wetlands buffer. Wetland maps are included as <i>Appendix II</i> in Attachment 4. Since there is no new construction in wetlands and there are no wetlands impacts, an EO 11990 Wetlands Protection analysis is not necessary.</p>
<p>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Not applicable, as the 15-mile buffer around the Project Area does not contain sections of the Susquehanna River or Chenango river designated by the U.S. Department of the Interior, Congress or NYSDEC as wild and scenic rivers; the National Wild and Scenic Rivers System or Nationwide Rivers Inventory (NRI) have no wild and scenic rivers located within 15 miles of the Project, as documented in Attachment 3.</p>

ENVIRONMENTAL JUSTICE		
<p>Environmental Justice Executive Order 12898</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Proposed Project Area is located in a potential Environmental Justice area according to the NYSDEC “Potential Environmental Justice Areas” map⁷ and the U.S. EPA EJSCREEN Report⁸, included as part of Attachment 12.</p> <p>Based on the EJSCREEN Report run for the Project Area, there are no Superfund NPL sites and one (1) Hazardous Waste Treatment, Storage, and Disposal Facilities within a mile’s radius of the Project Area. This facility, the Binghamton City of Exchange St Bridge Bin 2226160, is a large-quantity generator with an active EPA RCRA permit; this facility has no violations.</p> <p>The EJSCREEN Report also indicates that the Project Area is below the state average for all Environmental Indicators except for two Indicators. The Lead Paint Indicator notes the number of houses that were constructed before 1960 as calculated from the Census Bureau’s American Community Survey 2011-2015; this acts as a potential indicator of the presence of and exposure to, lead-based paint. The Project Area has a value of 0.72% while the state average is 0.56%. The RMP Proximity Indicator looks at the number of facilities with Risk Management Plans, otherwise known as Potential Chemical Accident Management Plans, within 5 kilometers of the Project, with each divided by distance in kilometer. The RMP Proximity Indicator was 1.2 facilities per kilometer for the Project Area, while the State average was 0.5 facilities per kilometer. It should also be noted that the area is predominately low-income and has a higher than average population of people over 64 years of age.</p> <p>The Proposed Project does not facilitate development which would result in disproportionate, adverse environmental impacts on low income or minority populations. Rather, the Project will benefit low- and moderate-income residents through</p>

⁷ NYSDEC Environmental Justice. <https://www.dec.ny.gov/public/333.html>

⁸ U.S. EPA EJ Screen. <https://www.epa.gov/ejscreen>

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Environmental Justice Executive Order 12898		the construction of new affordable housing that does not introduce the possibility of lead-based paint as the Project involves new construction.
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Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the Project Area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation, or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	<p>The City of Binghamton's Comprehensive Plan⁹ notes that future development in a mature city such as Binghamton must take place on sites that have been previously used for other activities, but that the projects that "are built to meet high-level standards will strengthen the City as a whole." This Plan also acknowledges that in order to meet this goal, redevelopment must be coordinated with the overall vision for the city and that "design standards should be developed and put in place that reflect Binghamton's history and values."</p> <p>According to the City of Binghamton's Official Zoning Map, the Project Area is located within a "C-1 Service Commercial" zone; the surrounding area consists of residential, commercial, and industrial areas, as documented in Attachment 13. The mixed-use building design is in compliance with the Binghamton commercial zoning code¹⁰, which does not permit residential on the first floor. The City of Binghamton confirmed this Project was a legal, conforming use for the applicable Zoning regulations within the City of Binghamton Code of Ordinances, Chapter 410: Zoning. This letter is included as part of Attachment 13.</p> <p>This project responds to a significant need for quality affordable housing in the Greater Binghamton Area, a need which has significantly increased in recent years due to the effects of</p>

⁹ The Saratoga Associates, *City of Binghamton Comprehensive Plan*. April 2002. <http://www.binghamton-ny.gov/departments/planning-housing-community-development/2003-comprehensive-plan>

¹⁰ City of Binghamton, *City Charter and Code of Ordinances*. <http://www.binghamton-ny.gov/code-of-ordinances>

<p>Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design</p>		<p>Hurricane Irene and Tropical Storm Lee, and to an aging and deteriorated housing stock that has not kept up with the demand for quality and affordability.</p> <p>This is a community renewal project which has received the support of the Southern Tier Regional Economic Development Corp. and is part of a neighborhood specific revitalization plan. The North Side of Binghamton has experienced significant disinvestment over the course of several decades and the immediate neighborhood has suffered economically.</p> <p>The site is located within North Chenango River Brownfield Opportunity Area¹¹. NYS DEC has approved the project for admittance to the Brownfield Cleanup Program (BCP). By eliminating neighborhood blight, it will improve development opportunities for surrounding properties. The community service component addresses an unmet community need and the services to be offered will benefit the tenants and predominately low-income population that live in the neighborhood. The location is part of a walkable community, on a regularly scheduled bus route, with existing utility infrastructure.</p> <p>The Project Area is currently undeveloped. The Projects proposes to construct a 48-unit apartment complex with 15,000 square feet of commercial space on the first floor that will be utilized by community service organizations (see Project Design Plans in Attachment 2). This project will provide an opportunity to both create much needed affordable housing and redevelop an underdeveloped and blighted property in the middle of an underserved area.</p>
<p>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</p>	<p>2</p>	<p>According to the United States Geological Survey (USGS) Topographic Map included in Attachment 1, the Project Area is located in an area of low slope at the confluence of the Susquehanna and Chenango Rivers. The Project activities would not significantly alter the slope of the Project Area.</p> <p>USDA NRCS maps provide information on soils types and properties that influence development of building sites. According to the USDA NRCS Soil Map data for soil classification, the Project Area is located in a soil map unit that is designated as cut and fill lands consisting of silty materials (Attachment 8). Soil is not limited for structures without basements, with moderate corrosion of concrete anticipated due to the soil map unit identified at the Project Area. Based on the current soil map, no potential undesirable impacts are anticipated and the area should be improved in terms of its landscape and functionality upon completion of the Project.</p>

¹¹ City of Binghamton, *North Chenango River Corridor BOA*. <http://www.binghamton-ny.gov/departments/planning-housing-community-development/planning/north-chenango-river-corridor>

<p>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</p>		<p>Grading would be minimal at the Project Area, and soils would be compacted per local building codes, where required. It is not anticipated that additional soils would need to be brought on-site. If soils from on-site need to be removed from the site, the company holding the contract to perform the excavation will be required to dispose of the soil in a legally compliant manner.</p> <p>The Project includes the redevelopment of a site connected to the public street and drainage systems. The proposed construction at the Project Area will not create storm water runoff that would adversely affect these drainage systems. Per the Stormwater Pollution Prevention Plan (SWPPP)¹², the project will result in an impervious surface reduction of approximately 25.4% when compared to previously existing conditions, which will result in a lower stormwater runoff from the Project Area. The magnitude of the impervious coverage reduction provides relief for the city storm water system and is consistent with Green Building practices. It is also a long-term goal identified in the Comprehensive Plan which seeks to “Reduce effects of small scale and flash flooding through green infrastructure.” The SWPPP, included as part of Attachment 13, details the stormwater management and erosion control measures to be used for the Project and provides rational for their use.</p> <p>Erosion and drainage control best management practices (BMPs) will be implemented by the contractor during construction. These practices will include seeding and mulching disturbed areas immediately after construction, and dust control measures such as covering trucks contents and hosing down open soil areas, as applicable.</p> <p>All work will be completed utilizing engineered site plans and in accordance with all applicable Federal, State and local regulations, laws and permit requirements and conditions, including State and local building codes. Thus, no potential impacts from erosion, drainage, or stormwater runoff are anticipated.</p>
<p>Hazards and Nuisances including Site Safety and Noise</p>	<p>3</p>	<p>Per the New York State Department of Conservation (NYSDEC), the Project Area is the location of the former Stow Manufacturing facility. This plan noted that previous investigations discovered fill materials consisting of construction and demolition debris, metal exceedances, and nuisance petroleum impacts. Additionally, a former wastewater lagoon was located on the northeastern portion of the brownfield site. Before construction begins, Community Potential, Inc. (the “Applicant”) has confirmed that remediation/ mitigation actions will be performed as part of the Brownfield Cleanup Program,</p>

¹² RZ Engineering, PLLC, *Stormwater Pollution Prevention Plan*, 10/28/2016.

<p>Hazards and Nuisances including Site Safety and Noise</p>	<p>associated with the areas of concern discovered during the previous site investigations. In accordance with the Brownfield Cleanup Agreement, the site will be remediated to restricted residential use standards as defined by 6 NYCRR Part 375-1.8(g)(2)(ii).</p> <p>As part of this Brownfield Cleanup Program, the Applicant will complete and submit a remediation investigation (RI) to the New York State Department of Conservation (NYSDEC), followed by a report that summarizes the results of the RI. This information will be used by the NYSDEC to determine if the site poses significant threat to public health or the environment. This determination will dictate the method of cleanup, as chosen from the analysis of alternatives prepared by the Applicant and approved by the NYSDEC. A Remedial Work Plan will be published for public comment, and detail the Applicants proposed remedy for addressing the contamination related to the site. This work plan must be approved by both the NYSDEC and the New York State Department of Health (NYSDOH). The Applicant may then design and perform the cleanup activities to address the site contamination.</p> <p>These remediation activities will be performed under the supervision and guidance of the NYSDEC and NYSDOH. Upon completion of cleanup activities, and the NYSDEC is satisfied that the cleanup requirements have been, or will be, achieved for the site, the final engineering report will be approved and a Certificate of Completion will be issued to the Applicant. Upon receiving this Certificate of Completion, the Applicant will then be eligible to redevelop the site. If contamination is to remain in place, site management in the form of institutional controls or engineering controls will be put into place in order to ensure safe reuse of property, as deemed appropriate by the NYSDEC. These controls are required to ensure the remedy implemented for the site remains protective of public health and the environment. All significant site management activities would be detailed in a Site Management Plan. Environmental Maps, previous environmental reports, Thermal Explosive Survey, Lead Based Paint letter, Asbestos Removal Specifications, NYSDEC Reports, and EPA Reports are included as part of Attachment 6.</p> <p>Based on the proposed mixed commercial/ residential use of the Project Area, remediation/ mitigation measures should be undertaken in order for the Project to comply with 24 CFR Part 50.3(i) and 58.5(i)(2). Proof of compliance in the form of engineering controls or “No Further Action” letters from the appropriate state department or agency will be required. Construction activities have the potential to expose sensitive receptors to noise emissions that are normally unacceptable. To</p>
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Hazards and Nuisances including Site Safety and Noise		<p>minimize this impact, construction activities will be limited to daylight hours during the work week when the majority of the residents will be at school or at work. The construction activities from the Proposed Project would not create significant impacts to sensitive noise receptors adjacent to the Project Area if the construction activities are limited to 8 AM to 6 PM on Monday through Friday. Construction activities would not occur in the late evenings and early mornings or on weekends and holidays. Noise impacts should be minor if these timing restrictions are implemented. Additionally, the Proposed Project will be completed utilizing engineered site plans and in accordance with all applicable Federal, State and local regulations, laws and permit requirements and conditions, including State and local building codes. The Proposed Project activities are not expected to generate excessive noise during the short-term construction work and will adhere to local noise control standards.</p>
Energy Consumption	2	<p>This Proposed Project occurs in a dense urban area in an established city and will connect to existing infrastructure for its energy needs. This project to convert this site from an undeveloped blighted lot into a multi-family residential housing and commercial space will lead to increased energy consumption at the site. However, the design and construction of the project buildings are intended to meet or exceed NY Codes and Regulations.</p> <p>It is recommended that this development be built with a focus on environmental sustainability according to the ICC – 700 National Green Building Standard and Energy Star, as practicable. In this way, the Proposed Project will support multi-family housing units that are “sustainable and energy-efficient,” in order to help residents keep costs down and to provide for a clean and healthy environment. It is recommended that energy efficient hot water heater systems, lighting, and Energy Star Appliance systems be installed.</p> <p>Moreover, the location of the Project in a densely developed area with mass transport options available supports energy conservation in the form of reduced transportation needs to access local retail stores, grocery stores, banks, employment opportunities, and municipal services. Additionally, most of the residents and employees are expected to come from the area; therefore, there will be no overall adverse effect on the area’s energy consumption.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	<p>According to the U.S. Census Bureau¹³, the population in the City of Binghamton was estimated to be 45,179 persons in 2017. Data for the year 2012 shows that there were 3,576 firms/business organizations in the city of Binghamton area.</p> <p>The Project would not significantly alter long-term employment and income patterns for the area. The Project is not likely to impact traffic and potential customer access to residences and businesses in the area, either during construction or operation. The Project will support temporary jobs during the construction period and permanent jobs associated with the first floor community service organizations utilizing the commercial space, and will provide housing in an area that is serviced by public transportation, which could allow employees and residents of the new residential units easy access to jobs within the city of Binghamton</p>
Demographic Character Changes, Displacement	2	<p>The Project will involve the new construction of a 48-unit apartment complex providing affordable housing to an underserved population in the city of Binghamton. This project will include 15,000 square feet of commercial space on the first floor that will be utilized by community service organizations.</p> <p>The proposed building is mixed use, with a Community Service Facility (CSF) on the first floor and multi-family residential on floors two through four. Twelve units are being set aside for persons diagnosed with serious mental illness who will receive supportive services and project based rental assistance by Catholic Charities Supportive Scattered Site Housing program funded by the New York State Office of Mental Health. Thirty-six units are non-special needs. Twelve units are targeted for persons at or below 30% Area Median Income (AMI), 12 are targeted for persons at or below 50% AMI, and 24 are targeted for persons at or below 60% AMI.</p> <p>According to the U.S. Census Bureau data¹⁴ for the years 2012-2016, the median household income for the City of Binghamton was \$30,183; approximately 33.6% of persons lived below poverty level. This blighted property is targeted to be redeveloped into affordable housing, which is one aspect of the greater vision for this area. The Project will not concentrate and/or isolate low-income or disadvantaged people.</p>

¹³ U.S. Census Bureau, *QuickFacts: Binghamton, NY*, July 1, 2017.
<https://www.census.gov/quickfacts/fact/table/inghamtoncitynewyork/PST045217>

¹⁴ U.S. Census Bureau, *QuickFacts: Binghamton, NY*, July 1, 2017.
<https://www.census.gov/quickfacts/fact/table/inghamtoncitynewyork/PST045217>

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	<p>The Project is located within the Binghamton school district¹⁵, which contains seven (7) elementary schools, two (2) middle schools, one (1) high school, and one (1) higher education facility. The Project is located approximately 2,525 feet from the BC Public Library. A Broome County Educational Facilities map is included in Attachment 13.</p> <p>According to the U.S. Census Bureau data¹⁶, the average number of persons per household in the City of Binghamton between 2012 and 2016 was 2.25 persons. Using this number, the addition of 48 new units would increase the population of the area by approximately 108 persons. Given that about 19.4% of the population in Binghamton is under 18 years old (2016 American Community Survey estimate), this project might add approximately 20 school-aged children to the area. However, it should be noted that the calculations above assume the total population increase is associated with residents moving in from areas outside of the city of Binghamton. As such, the addition of these school-aged children is not expected to adversely impact and/ or exceed the capacity of the local school facilities, especially since most of the residents at the Proposed Project are expected to be currently residing within North Hempstead.</p>
Commercial Facilities	2	<p>Based on review of Google Maps there are commercial facilities within ¼ mile of the Project Area. Facilities include markets, restaurants, etc. The existing local facilities are sufficient to support the needs of the new residents, and the Proposed Project will not result in significant increases in the demand on local establishments. New residents and employees could frequent local commercial facilities, thus, supporting the local businesses.</p>
Health Care and Social Services	2	<p>There are two hospitals located within the City of Binghamton, the United Health Services (UHS) Binghamton General Hospital¹⁷ and Our Lady of Lourdes Hospital¹⁸. A Broome County Emergency Services map is included in Attachment 13.</p> <p>The UHS Binghamton General Hospital is located approximately 1.45 miles from the Project location and Our</p>

¹⁵ Broome County GIS and Mapping Services, *Parcel Mapper*. http://www.bcgis.com/website/apps/parcel_mapper/viewer.html

¹⁶ U.S. Census Bureau, *QuickFacts: Binghamton, NY*, July 1, 2017. <https://www.census.gov/quickfacts/fact/table/inghamtoncitynewyork/PST045217>

¹⁷ UHS Binghamton General Hospital. <https://www.uhs.net/locations/uhs-binghamton-general-hospital/>

¹⁸ Our Lady of Lourdes Hospital. <https://www.lourdes.com/>

Health Care and Social Services		<p>Lady of Lourdes Hospital is located approximately 2 miles from the Project location. The UHS Binghamton General Hospital is a 220-bed hospital that provides general medical, surgical, rehabilitative, and emergency care to the people of Greater Binghamton. It offers 24-hour emergency care and operates major regional programs as orthopedic surgery, bariatric care, wound care, physical therapy and rehabilitation services, chemical dependency treatment service, behavioral health program, sleep center, and gastroenterology laboratory. The number of units and residents associated with the construction of 48 new rental housing units will not significantly increase the demand on the health care systems within the city of Binghamton, as most of the anticipated residents are expected to be currently residing within Binghamton.</p> <p>Social services are provided by a range of non-profit, local, State, and Federal agencies. The Broome County Department of Social Services¹⁹ serves to promote self-sufficiency and assures the protection of vulnerable individuals.</p>
Solid Waste Disposal / Recycling	2	<p>The Proposed Project will convert currently an undeveloped, blighted lot into a mixed use residential housing and is anticipated to create minimal construction debris. Construction and demolition debris, and any documented or undocumented hazardous materials, will be appropriately disposed of by a licensed professional in legally compliant landfills. The Broome County Landfill, operated by the Solid Waste Management Division, is the properly permitted solid waste facility in Broome County; consultation with the Commissioner of Public Works on August 3, 2018 has confirmed the disposal site has adequate capacity to service the project both during construction and during ongoing use. This letter is included in Attachment 13.</p> <p>Construction debris that might be generated can include limited extra materials and material packaging associated with the construction of the building. These wastes would be disposed of in legally compliant landfills.</p> <p>The Project is located in an area serviced by the City of Binghamton Sanitation Division of the Department of Public Works²⁰. It is expected that most of the residents will come from within Binghamton; therefore, the addition of 48 rental housing units in this already densely developed area is not expected to adversely affect existing sanitation services or pose a demand that exceeds the current capacity. Moreover, the added tax base associated with any new residents on this</p>

¹⁹ Broome County Department of Social Services. <http://www.gobroomecounty.com/dss>

²⁰ City of Binghamton Department of Public Works: Sanitation Division. <http://www.binghamton-ny.gov/sanitation>

Solid Waste Disposal / Recycling		property will support these Binghamton services. Property management should provide central garbage and recyclable collection services for the residential tenants.
Waste Water / Sanitary Sewers	2	<p>The Proposed Project Area is serviced by the Binghamton – Johnson City Joint Sewage Treatment Plant; the Project Area will connect to the existing sanitary sewer infrastructure. Consultation with City of Binghamton’s Water/Sewer Department Superintendent noted that the existing water and sewer systems were capable of supplying the projected water flow to, and of handling to expected flow rates for waste water from, the Project. This letter is included as part of Attachment 13.</p> <p>The work will be performed in compliance with Binghamton’s Building Code. The new structures will be designed in accordance with local and State codes, and are recommended to incorporate ICC – 700 National Green Building Standard and Energy Star features, which provide provisions for water and energy efficiency.</p>
Water Supply	2	<p>The water supply is a public water supply provided by the City of Binghamton. The Project will connect to existing water supply infrastructure in accordance with State and local building codes. Upon completion, the Project Area would increase demand on the Westbury Water District water supply services relative to the current conditions at the undeveloped property. However, it is not expected that the increased demand for water at this Proposed Project would adversely affect water supply management by producing excessive demand. Further, a letter from the City of Binghamton Water/Sewer Department indicates that sufficient water is available to supply the Project and the surrounding area, included in Attachment 13.</p>
Public Safety - Police, Fire, and Emergency Medical	2	<p>Police²¹ and fire services²² are provided by the City of Binghamton. Fire Station 3 is located approximately 900 feet north of the Project Area. Emergency squads and ambulance services are provided by a combination of private companies, local hospitals, and the Binghamton Fire Department.</p> <p>Utilizing U.S. Census Bureau data²³, the average number of persons per household in the City of Binghamton between 2012 and 2016 was 2.25 persons; accordingly, the addition of 48 new units would increase the population of the area by an estimated 108 persons relative to the existing conditions.</p>

²¹ City of Binghamton Police Department. <http://www.binghamton-ny.gov/departments/police-department/police>

²² City of Binghamton Fire Department. <http://www.binghamton-ny.gov/departments/fire-department/fire-department>

²³ U.S. Census Bureau, *QuickFacts: Binghamton, NY*, July 1, 2017.
<https://www.census.gov/quickfacts/fact/table/binghamtoncitynewyork/PST045217>

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Public Safety - Police, Fire, and Emergency Medical		However, it is expected that most of the residents will come from within Binghamton; therefore, the addition of the 48 rental housing units in this already densely developed area is not expected to adversely affect existing police, fire, or emergency medical services.
Parks, Open Space, and Recreation	2	The City of Binghamton ²⁴ runs approximately 36 parks, fields, and natural areas. A review of area maps shows several parks located near the Proposed Project location. Cheri A. Lindsey Memorial Park & Bark Park, located approximately 1,400 feet north of the Project Area. This park includes a playground, a pool, basketball courts, skateboard park, and picnic tables and grills. The Project is also located within approximately 550 feet southeast of the Chenango River Trail that travels from the Cheri A. Lindsey Memorial Park to the Susquehanna River. The Project will not result in the loss of parks or open space that is accessible to the public as the Project does not involve conversion of Open Space land use to residential use. Additionally, given the Project will involve residents that primarily are already living in the City of Binghamton, this Project will not significantly increase the demand for additional parks or open space and would not result in the deterioration of existing facilities.
Transportation and Accessibility	2	Public transportation ²⁵ is easily accessible from the location of the Project. The Project Area is located in a densely developed urban area within the City of Binghamton. Broome County's Department of Public Transportation provides transportation from the just west of the Village of Endicott to the Town of Chenango, north of the City of Binghamton. The Project would not create a population that would necessitate the development of new transit service or create population demand that would exceed the capacity of current transportation infrastructure or transit service systems. Moreover, most of the residents and employees are expected to be currently residing within the City of Binghamton; therefore, there will be no overall adverse effect on the area's transportation system.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There are no unique or natural features located on or adjacent to the Project, as the Project is located within a densely developed urban area. The Project is located approximately 760 feet southeast of the Chenango River and approximately 2,900 feet north of the Susquehanna River. The land at the Project Area is previously developed urban land not containing

²⁴ City of Binghamton City Parks, Pools & Fields. <http://www.binghamton-ny.gov/city-parks-pools-fields>

²⁵ Broome County Department of Public Transportation <http://www.gobroomecounty.com/transit/>

<p>Unique Natural Features, Water Resources</p>	<p>unique geological features. Thus, the Proposed Project would have no effect on unique or natural features.</p> <p>The Project does not involve groundwater withdrawal or the use of surface water. There is no surface water on or adjacent to the Project. The Project will not involve an increase in impervious surface area relative to the existing conditions. The Project includes development of a site connected to the public street and drainage systems. The proposed construction at the Project Area will not create storm water runoff that would adversely affect these drainage systems.</p> <p>Erosion and drainage control best management practices (BMPs) will be required to be implemented by the contractor during construction. No dewatering activities are proposed during construction or during normal operations at the Project.</p> <p>All work will be completed utilizing engineered site plans and in accordance with all applicable Federal, State and local regulations, laws and permit requirements and conditions, including State and local building codes. Thus, no potential impacts from erosion, drainage, or stormwater runoff are anticipated.</p> <p>Watershed Analysis</p> <p>The project is located within the Susquehanna River watershed, one of the 47 identified watersheds with watershed plans in NYS²⁶. While the water quality in the Susquehanna River Watershed²⁷ is generally satisfactory, municipal wastewater discharges are a concern in and around the Binghamton-Johnson City area²⁸. However, it should be noted that the Binghamton – Johnson City Joint Sewage Treatment Plant has negotiated an Order of Consent between the City of Binghamton, the Village of Johnson City, the Joint Sewage Board, and the NYSDEC to develop a plan to restore full treatment operations at the treatment plant; this plan requires that construction be substantially complete by August 1, 2018, fully complete by March 1, 2019, and that the plant be meeting SPDES permit discharge limits by May 1, 2019. The principal goal of this restoration and rehabilitation project at the BJCJSTP is to reconstruct a functioning, automated secondary treatment process using a BIOSYR system that can meet the SPDES Permit discharge limits. As such, this principle discharge of concern from this point source should be within permit discharge limits after restoration and construction is complete at this treatment plant. Additionally, given the Project will involve residents that are primarily already living</p>
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²⁶ NYSDEC Watershed Plans. <http://www.dec.ny.gov/chemical/99985.html>

²⁷ NYSDEC Susquehanna River Watershed. <http://www.dec.ny.gov/lands/48020.html>

²⁸ Chesapeake Bay Watershed Implementation Plan: Phase I and Phase II. <http://www.dec.ny.gov/lands/33279.html#Plan>

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Unique Natural Features, Water Resources		<p>in the Binghamton area, this Project will not significantly increase the demand on the existing Joint Sewage Treatment Plant, as documented in the letter provided by the Binghamton Water and Sewer Superintendent included as part of Attachment 13. Thus, no potential impacts from the project are anticipated.</p> <p>The Project will not introduce new demand for groundwater or surface water, nor would the Project introduce septic flows that may affect groundwater. Additionally, the Project will not significantly increase impervious surfaces or impede waters during future storm or flooding events. Therefore, unique natural features or water resources are not expected to be permanently affected by this project.</p>
Vegetation, Wildlife	2	<p>The Proposed Project will not introduce nuisance or non-indigenous species of vegetation. Moreover, the Project will involve construction of residential buildings located in a dense urban area. The Project will not damage or destroy rare, threatened, or endangered species or their habitat. The Project will have no effect on State or Federal threatened species, endangered species or species of concern. The Natural Heritage Map, USFWS Official Species List and IPaC Resource List, and USFWS No Effect Determination letter are annexed in Attachment 7</p>
Other Factors		<p>There are no other factors identified or evaluated for the Proposed Project.</p>

Additional Environmental Reports:

- Delta Engineers, Architects & Land Surveyors, P.C., *Phase I Environmental Site Assessment: 435 State Street, Binghamton, NY*; April 2015.
- LaBella Associates, D.P.C., *Phase II Environmental Site Assessment: 435 State Street, Binghamton, NY*; September 2016.
- LaBella Associates, D.P.C., *Supplemental Phase II Environmental Site Assessment: 435 State Street, Binghamton, NY*; November 2016.
- New York State Department of Environmental Conservation, *Brownfield Cleanup Agreement: Former Stow Manufacturing Site C704058, 435 State Street, Broome County, Binghamton, NY 13901*; April 18, 2017.
- New York State Department of Environmental Conservation, *Brownfield Cleanup Program: Citizen Participation Plan for Former Stow Manufacturing Site*; May 1, 2017.
- LaBella Associates, D.P.C., *Phase I Environmental Site Assessment: 435 State Street, Binghamton, NY*; November 22, 2017.
- LaBella Associates, D.P.C., *Remedial Investigation Work Plan: NYSDEC BCP Site #C704058*; May 29, 2018.
- LaBella Associates, D.P.C., *Thermal Explosive Hazards: 435 State Street, Binghamton, New York*; August 13, 2018.

Field Inspections (Completed by and date):

- LaBella Associates, D.P.C., *Phase I Environmental Site Assessment*; October 17, 2017.
- LaBella Associates, D.P.C., *Thermal Explosive Hazards*; August 8, 2018.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

- Federal Aviation Administration (FAA)
- Federal Emergency Management Agency (FEMA)
- United States Census Bureau
- United States Department of Agriculture (USDA)
- United States Department of Interior (USDOI)
- United States Environmental Protection Agency (USEPA)
- United States Fish and Wildlife Service (USFWS)
- United States Geological Survey (USGS)
- National Parks Service (NPS)
- Natural Resources Conservation Service (NRCS)
- New York State Department of Environmental Conservation (NYSDEC)
- New York State Department of State (NYSDOS)
- New York State Historic Preservation Office (SHPO)
- Natural Heritage Program (NHP)

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Attachments:

1. Project Location Maps
 - a. Street Map
 - b. Topographic Map
 - c. Aerial Map
2. Project Design Plans
 - a. 435 State Street Development Design Plans (10/12/2016)
 - b. Acknowledgement of Notice of Intent for coverage under SPDES General Permit (7/12/2018)
3. Project Reference Maps
 - a. Airport Hazards Map
 - b. NYSDEC & NPS Wild and Scenic Rivers Map
 - c. NYSDEC Critical Environmental Areas Map
 - d. City of Binghamton Municipal Zoning Map
 - e. City of Binghamton Official Zoning Map (03/2008)
4. Floodplain Management and Wetlands Protection Determination
 - a. Floodplain Management and Wetlands Protection Determination Report
 - b. Appendix I
 - i. Effective FEMA FIRMette Map (6/1/1977)
 - ii. Broome County Existing FEMA Floodplain
 - iii. Broome County Preliminary FEMA Floodplain
 - c. Appendix II
 - i. USFWS National Wetlands Inventory Map
 - ii. NYSDEC Wetlands Map
 - iii. NYSDEC Tidal Wetlands Map
5. NYSDOS Coastal Consistency Documentation
 - a. USFWS Coastal Barrier Resources System Map
 - b. NYSDOS Coastal Boundary Map
 - c. NYSDOS Coastal Consistency Consultation (7/26/2018)
 - d. NYSDOS Coastal Consistency Determination (8/10/2018)
6. HUD Environmental Standards Review
 - a. HUD Environmental Standards Review Report
 - b. HUD Environmental Standards Review Maps
 - i. NYS Environmental Report Maps
 - ii. EPA NEPAAssist Map
 - c. Previous Environmental Reports
 - i. NYSDEC Brownfield Cleanup Agreement (4/18/2017)
 - ii. NYSDEC Brownfield Cleanup Program Citizen Participation Plan (5/1/2017)
 - iii. Phase I Environmental Site Assessment: 435 State Street (11/22/2017)
 - iv. Remedial Investigation Work Plan (5/29/2018)
 - v. Lead Based Paint letter (8/6/2018)
 - vi. Section 020800 - Asbestos Removal Specifications (08/13/2018)
 - vii. Thermal Explosive Survey (8/18/2018)
 - d. NYSDEC Reports for Spills, Environmental Remediation Sites, or Bulk Storage Sites Located on, or within close proximity to, the Project Area
 - e. U.S. EPA-permitted Facilities located within 3,000 feet of the Project Area and in non-compliance with the EPA permit requirements
7. Endangered Species Consultation Documents
 - a. NHP Records Request Response (8/13/2018)
 - b. Invasive Species Compliance Letter (7/30/2018)
 - c. NYSDEC Bald Eagle Consultation Response (8/3/2018)

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- d. USFWS Consultation Package (8/15/2018)
- e. USFWS Consultation Response (8/21/2018)
8. Agricultural and NRCS Soil Resource Documents
 - a. New York State Agricultural Districts Map (2016)
 - b. USDA NRCS Soil Resource Report
 - c. USDA NRCS Dwellings Without Basements Report
 - d. USDA NRCS Corrosion of Concrete Report
 - e. USDA NRCS Farmland Classification Report
9. State Historic Preservation Office Documentation
 - a. SHPO Response (10/21/2018)
10. Noise Abatement and Control Documents
 - a. Project Noise Screening Analysis
 - b. HUD's Sound Transmission Class Guidance
11. EPA Sole Source Aquifer Documents
 - a. EPA Sole Source Aquifer Map
 - b. Non-Housing / Project Activity Initial Screen (7/30/2018)
 - c. EPA Determination Response (8/17/2018)
12. Environmental Justice Documents
 - a. NYSDEC Potential Environmental Justice Areas Map
 - b. NYSDEC Jurisdictional Inquiry Request (7/23/2018)
 - c. EJSCREEN Report (Version 2018)
 - d. EJSCREEN ACS Summary Report
13. Municipal and Community Facilities and Services
 - a. City of Binghamton Municipal Zoning Map
 - b. City of Binghamton Official Zoning Map (03/2008)
 - c. City of Binghamton Planning Commission Official Decision (11/18/2016)
 - d. City of Binghamton Zoning Enforcement Letter (11/28/2016)
 - e. Storm Water Pollution Prevention Plan (10/28/2016)
 - f. Broome County Education Facilities
 - g. Binghamton City School District Letter (8/13/2018)
 - h. Broome County Emergency Services Map – Ambulance Squads & Hospitals
 - i. Broome County DPW Letter (8/3/2018)
 - j. Broome County Infrastructure Maps
 - k. City of Binghamton Water/Sewer Department Letter (8/22/2018)
 - l. Broome County Emergency Services Map – Fire Stations and Police
 - m. City of Binghamton Fire Bureau Letter (7/30/2018)
 - n. Broome County Parks & Recreation Map
 - o. Broome County Bus Stops Map

List of Environmental Permits Obtained or Potentially Required:

- Site Plan Approval – City of Binghamton
- Final Building Permit – City of Binghamton
- SPDES General Permit for Stormwater Discharges (GP-0-15-002) – New York State Department of Environmental Conservation

Public Outreach [24 CFR 50.23 & 58.43]:

- City of Binghamton Public Meeting, November 1, 2012. *North Chenango River Corridor Brownfield Opportunity Area Community Conversation.*
- City of Binghamton Public Meeting, November 14, 2013. *North Chenango Brownfield Opportunity Area Plan And Northside Planning Initiatives Joint Public Meeting.*

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- VHB Engineering, Surveying and Landscape Architecture, PC, *North Chenango River Corridor: Brownfield Opportunity Area Step 2 - Nomination Study*. Final Revision: October, 2014.
- VHB Engineering, Surveying and Landscape Architecture, PC, *North Chenango River Corridor BOA: Community Participation Plan*.
- Schwartz, Hannah, *\$11M housing project could come to city's North Side*. Press & Sun Bulletin, October 19, 2016.
- New York State Department of Environmental Conservation, *Brownfield Cleanup Program: Citizen Participation Plan for Former Stow Manufacturing Site*; May 1, 2017.
- City of Binghamton Planning Commission Public Meeting, *SEQR Determinations: 435 State Street and 10-12 West State Street*; October 17, 2016.
- City of Binghamton Planning Commission Public Meeting, *Public Hearings: 435 State Street and 10-12 West State Street*; November 14, 2016.

Cumulative Impact Analysis [24 CFR 58.32]:

The Project was evaluated according to the Project Design Plans included in **Attachment 2**. There are no other known future projects in the area of the Project that would create environmental or social impacts in the community. This project will have positive cumulative socioeconomic and aesthetic impacts on the neighborhood by promoting a neighborhood with mixed-income residents and encouraging development within an underserved community. It is expected that the Project will increase the City's tax base, reduce blight, and encourage re-investment in the area. There are no adverse cumulative impacts identified for this Project on natural resources, socioeconomic conditions, cultural/ historic resources, or quality of life for residents of these neighborhoods. Thus, the Project will be in conformance with the City's overall land use, zoning and plan goals for the site and neighborhood.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)]:

The property on which the Proposed Project is to be located was specifically identified by the City of Binghamton for a project of this type. The primary alternative for the Proposed Project is the "no action" alternative. This alternative means that there would be no work undertaken to mitigate or remediate the existing contamination on site or transform the vacant urban lots into mixed use multi-family residential housing that will provide affordable housing for prospective residents and to enhance the quality of life for residents of the area. The no action alternative would mean that the parcel could remain vacant, the existing environmental contamination would remain a potential hazard to the community, and the City would not receive the increased tax base that would occur if the parcel was developed. This would mean a vital component of the plan to promote economic investment, preserve housing affordability and improve the quality of family and community life for this area might not be implemented due to lack of funds. The "no action" alternative would provide no affordable housing due to lack of financial support. Moreover, the Project is consistent with the developed nature of the area, and there is no identified adverse impact to the quality of the natural or human environment. Thus, the "no action" alternative is not considered a feasible alternative in relation to the desired objective of providing more affordable housing options within the City.

Summary of Findings and Conclusions:

The preceding Statutory Checklist and Environmental Assessment Checklist, and the discussion below, document that the Project work will comply with regulations in 24 CFR part 58 and that there are no direct or cumulative adverse environmental impacts anticipated as a result of the Proposed Project.

This environmental review was conducted in accordance with requirements of NEPA, the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500) and 24 CFR Part 58 HUD NEPA requirements for Responsible Entities. As discussed in this document, the project required an Environmental Assessment and has been analyzed for compliance with related laws and authorities at 24 CFR 58.5 & 58.6. The analysis concluded that the project will not result in a significant impact on the quality of the human environment.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal state and local laws. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding.

Law, Authority, or Factor	Mitigation Measure
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	<p>The western half of the Project Area is the location of the former Stow Manufacturing facility, which has been included as part of the Brownfield Cleanup Program, Site Number C704058, as noted by the Brownfield Cleanup Agreement issued by the New York State Division of Environmental Remediation to the Brownfield Applicant, Community Potential, Inc., on April 18, 2017. A Remedial Investigation Work Plan was completed on May 29, 2018 for the Brownfield site, the Former Stow Manufacturing facility. The purpose of the Remedial Investigation Work Plan is to identify a proposed method for delineating the nature and extent of the contamination at the Brownfield site. This investigation discovered metals, semi-volatile organic compounds, and volatile organic chemicals that exceeded NYSDEC's Unrestricted Use SCOs and Restricted Residential Use SCOs, and NYSDEC Part 703 Groundwater Quality Standards.</p> <p>Before construction begins, Community Potential, Inc. (the "Applicant") has confirmed that remediation/ mitigation actions will be performed as part of the Brownfield Cleanup Program, associated with the areas of concern discovered during the previous site investigations. The NYSDEC Division of Environmental Remediation confirmed in an email dated August 31, 2018 that, in accordance with Brownfield Cleanup Agreement C704058-02-17, the site will be remediated to restricted residential use standards as defined by 6 NYCRR Part 375-1.8(g)(2)(ii). The restricted residential use category allows a site to be used for residential use but only when there is common ownership or control by a single owner/ managing entity of the site. Restricted residential use is the land use category intended for apartments, condominium, cooperative or other multi-family/common property control residential development. LaBella has submitted an Interim Site Management Plan to manage impacts that may be encountered during development of the site. Redevelopment of the site is reported to begin in October 2018 and is a primary goal of the NYSDEC's Brownfield Cleanup Program.</p>

<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Due to the results of the previous environmental reports, remediation/mitigation measures should be undertaken in order for the Project to comply with 24 CFR Part 50.3(i) and 58.5(i)(2).</p> <p>Proof of compliance in the form of engineering controls or “No Further Action” letters from the appropriate state department or agency will be required. It should be noted that the developer has remediation plans in place and will be consulting with, and operating under the auspices of, the New York State Department of Environmental Conservation and New York State Department of Health in order to meet compliance with these remediation activities as part of the Brownfield Cleanup Program. Maps, environmental reports and letters, and all other relevant documents are included as part of the <i>HUD Environmental Report</i> included as Attachment 6.</p>
<p>Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>This project proposes mixed service commercial and residential use and will not significantly increase long-term ambient air quality. Short-term impacts on ambient air quality are expected due to construction.</p> <p>The project must comply with local requirements pertaining to allowable time and days of construction activities and must adhere to restrictions on idling time and other modifications that must be made to reduce air pollution due to construction equipment.</p> <p>It is recommended that low-VOC materials and inventory and energy star efficient equipment, should be used as practicable. During the construction of the Proposed Project, proper and routine maintenance of all vehicles and other construction equipment would be implemented to ensure that emissions are within the design standards of all construction equipment. Dust suppression methods should be implemented to minimize fugitive dust; in particular, wetting solutions would be applied to construction area to minimize the emissions of fugitive dust.</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>This project proposes mixed service commercial and residential use and will not significantly increase long-term noise levels. Short-term increases in noise levels are expected due to construction. The project must comply with local requirements pertaining to allowable time and days of construction activities and must adhere to restrictions on idling time and other modifications that must be made to reduce noise on construction equipment. Construction activities will be limited to daylight hours during the work week when most of the residents are at school or at work. The construction activities from the Project would not create significant impacts to sensitive noise receptors adjacent to the project sites if the construction activities are limited to 8 AM to 8 PM on Monday through Friday. Construction activities would not occur in the late evenings and early mornings or on weekends and holidays.</p>


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Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Additionally, the Project will be completed in accordance with all applicable federal, state and local permit requirements and conditions. The proposed activities are not expected to generate excessive noise during the short-term construction work and will adhere to local noise control standards.
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Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature:  Date: September 8, 2018

Name/Title/Organization: Kris Mierisch, Senior Environmental Analyst

Certifying Officer Signature:  Date: September 8, 2018

Name/Title: Lori Shirley, Environmental Certifying Officer

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).